

11058. Misbranding of Giles' germicide. U. S. v. 27 Small Bottles, et al, of Giles' Germicide. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16124, 16125. S. Nos. C-3522, C-3523.)

On April 24, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 65 small bottles and 29 large bottles of Giles' germicide, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Giles Remedy Co., Chicago, Ill., in various consignments, on or about December 12, 1921, January 11, March 20, and March 27, 1922, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Germicide * * * Germicide Antiseptic, Tonic and Blood Purifier;" (carton) "Germicide * * * A * * * Remedy * * * for Ailments caused by disease producing germs within and without the body Neutralizes and Expels from the Blood The toxins of germs and other poisons or impurities, Allays internal or external congestion or inflammation. * * * This Remedy is * * * germicide, antiseptic * * * it acts upon disease germs, * * * chronic diseases. * * * as well as the acute germ diseases, are relieved by Giles' Germicide because it acts to overcome Germ Poison and remove them from the system. Relieves the Cause of Rheumatism, Asthma, Catarrh, Throat Troubles, Blood and Skin Diseases and Affections Disease of the Stomach and Bowels and Ailments of an Inflammatory Nature, Either Internal or External;" (booklet) "Giles' Germicide * * * removes the known cause of nearly all diseases * * * A Real Relief for Disease * * * Stomach and Intestinal Troubles * * * Consumption, Asthma, Pneumonia, La Grippe, etc. * * * Blood and Skin Diseases * * * Internally it is used for all diseases, acute or chronic * * * Piles * * * Pleurisy * * * Diphtheria * * * Croup * * * Measles, Scarlet Fever, Chicken Pox * * * Small Pox * * * Chills, Fever and Ague, Malaria * * * Appendicitis or Stoppage of the Bowels * * * Dysentery * * * Diseases of the Throat and Lungs * * * Dyspepsia, Indigestion, Catarrh of the Stomach * * * Rheumatism, Gout, Lumbago and Paralysis * * * sexual weakness * * * Scrofula, Erysipelas, Eczema, Syphilitic Affections, and * * * Sores or Skin Eruptions. * * * Female Troubles * * * to regulate menstrual disorders."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of camphor, ether, and linseed oil, and was not an antiseptic or a germicide.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labels of the bottles and cartons containing the said article and in the accompanying booklet were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it in the said statements.

On June 19, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11059. Misbranding of McGraw's herbs of youth, McGraw's improved liquid herbs, and McGraw's oil of life. U. S. v. 12 Packages of McGraw's Herbs of Youth, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16321, 16322. S. Nos. C-3629, C-3630.)

On May 16, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 packages of McGraw's herbs of youth, 12 bottles of McGraw's improved liquid herbs, and 23 6-ounce bottles and 45 3-ounce bottles of McGraw's oil of life, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the McGraw Remedy Co., Little Rock, Ark., on or about February 2, 1922 [in part February 23, 1922], and transported from the State of Arkansas into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part: (McGraw's herbs of youth) (carton) "The Great Blood, Liver, Stomach * * * Kidney * * * and Nerve Remedy The

most reliable Blood Purifier, Stomach Renewer and Strength Restorer ever prepared. A valuable remedy for all forms of Nerve Diseases. * * * brings the overwrought and tired nerves back to their natural Tone and Vigor. A weak or diseased stomach will become strong and well by its use, * * * will relieve Blood Disorders, Stomach Troubles, Sick Headache, Malaria, Indigestion, Dyspepsia * * * Kidney Trouble, Rheumatism, Catarrh, Skin Diseases, Scrofula, Neuralgia and Nerve Troubles. Prompt Relief for Female Weakness and Irregularities * * * Piles * * * Female Diseases * * * Blood Poisoning, La Grippe and Impurities of the Blood, prevents Headaches, Chills, Fever, Etc.," (box) "A Remedy for * * * Impurities of the Blood and Disordered Liver, Stomach or Kidneys," (circular) "Herbs of Youth will break your chills * * * Every irregularity, unnaturalness, inflammations, ulcerations and weaknesses can be completely relieved and the system fully restored to a normal condition. * * * the Great Remedy * * * McGraw's Herbs of Youth * * * they are guaranteed to give satisfaction. * * * If you have Dyspepsia or Stomach Trouble get rid of them by taking * * * McGraw's Herbs of Youth, a Great Blood Purifier. Kidney or Bladder Troubles, * * * relieve hitherto incurable ailments * * *;" (McGraw's liquid herbs) (carton) "Relief for Stomach, Liver and Kidney Diseases * * * for diseases arising from a debilitated condition of the system, or impure blood, such as Erysipelas, Scrofula, and Scrofulous Affections, Salt Rheum, Teeter, Pimples, Blotches, Boils, Old Sores, Mercurial Diseases And Rheumatism. * * * Remedy For The Blood * * * In * * * Dropsy * * * Ague, Etc., * * * Scrofula and Eruptions * * * as a blood cleanser, * * * in case of pain in Kidneys and back. * * * wonderful power in restoring and invigorating the whole system, in renovating and enriching the blood, in giving an appetite and a tone to the stomach. Recommended for Scrofula, Scrofulous Humors, Rheumatism, Ring Worms, Salt Rheum, Boils, Pimples and Humors on the Face, Catarrh * * * Faintness at the Stomach, * * * Pains in the Back, Female Weakness, General Debility * * * and diseases arising from an impure state or low condition of the blood. * * * It effectually aids weak, impaired and debilitated organs, invigorates the nervous system, tones and strengthens the digestive organs and imparts new life and energy to all the functions of the body. * * * Strengthens and Builds up the system while it Eradicates Disease. * * * effectual and permanent relief in * * * Disorders of the Stomach, Liver, Kidneys and Bladder and for Gravel," (circular) "Improved Liquid Herbs for Stomach Trouble * * * a permanent relief of disorders of Stomach, Liver and Kidneys, * * * Catarrh, Indigestion, Dyspepsia, * * * Kidney and Bladder Troubles, Rheumatism, Piles, Scrofula and so-called Blood Diseases. * * * Take McGraw's Liquid Herbs and get well. * * * Dyspepsia or Stomach Trouble get rid of them by taking McGraw's Liquid Herbs * * * Kidney or Bladder Troubles;" (McGraw's oil of life) (bottle) "for old sloughing ulcers, white swelling, crushed and mangled limbs, it is of peculiar value. * * * For * * * headache * * * for colic or pain in the stomach or bowels, * * * coughs, colds, and sore throat, * * * for asthma, * * * a valuable remedy for Hemorrhoids or Piles; * * * For rheumatism, Kidney & Bladder Diseases," (carton) "Rheumatism * * * Neuralgia Headache Earache Deafness * * * Burns Scalds Sore Throat Quinsy Croup Croup Colic Diphtheria * * * Ulcers Bites by Dogs and Other Animals Cholera Morbus Stomach and Bowel Troubles * * * Sore and Bleeding Gums * * * Coughs and Throat Irritation * * * coughs and colds * * * Many a case of consumption has been contracted through a person attempting to let a cough or cold 'wear off.' * * * coughs and colds may only be completely eradicated, and their recurrence prevented by a treatment that is both local and constitutional. * * * Kidney Trouble * * * a valuable remedy for Hemorrhoids or Piles; * * * for old sloughing ulcers, white swelling, crushed and mangled limbs, it is of peculiar value. * * * For * * * headache, * * * for colic or pain in the stomach or bowels, * * * coughs, colds, and sore throat, * * * for asthma," (circular) "McGraw's Oil Of Life * * * The Great Pain Reliever for * * * Kidney Diseases, Gravel and Rheumatism."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the herbs of youth consisted of salicylic acid and a mixture of ground plant products, including wild cherry bark, senna and uva ursi leaves, licorice, gentian, and rhubarb roots, and red pepper; that the liquid herbs consisted of magnesium sulphate, a trace of iron citrate, extracts of plant

drugs, including rhubarb and red pepper, water, and a small amount of alcohol, flavored with methyl salicylate; and that the oil of life consisted of approximately 95 per cent of kerosene and small proportions of turpentine oil, tar oil, and camphor, colored with alkanet.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements appearing on the said packages, cartons, and bottles and in the accompanying circulars, as the case might be, regarding the curative and therapeutic effect of the said articles, were false and fraudulent in that the said articles did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On June 20, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11060. Adulteration and misbranding of canned clams. U. S. v. 875 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 13788, 13789, 13790, 13791, 13792, 13793. I. S. No. 10069-t. S. No. W-776.)

On October 13, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 875 cases of canned clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the East Machias Packing Co., from New York, N. Y., August 23, 1920, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Atlantic Brand Maine Clams East Machias Packing Co. East Machias, Maine. Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the article was labeled in part as follows, "Contents 5 Oz.," which said label was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked thereon, the quantity stated not being correct.

On January 10, 1921, the Smith & Nessel Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,500, in conformity with section 10 of the act, conditioned in part that the labeling be corrected to read in part, "Maine Clams In Excessive Brine Contents Minimum 3½ Oz. Clams."

C. F. MARVIN, *Acting Secretary of Agriculture.*

11061. Adulteration and misbranding of chocolate coating. U. S. v. 50 Cases of Chocolate Coating. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15327. I. S. No. 10895-t. S. No. W-1004.)

On August 18, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 10 cakes of chocolate coating, consigned by the Washington Chocolate Co., Seattle, Wash., remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Seattle, Wash., March 4, 1921, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Washington Chocolate Co. Seattle Manufacturers of Cocoa and Chocolate. Seattle, Washington, U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive cocoa shells and starch had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for